

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claims 1, 5-6, and 17 are amended. Claims 1, 5-14, and 17 are currently pending.

Preliminary Matters

The Applicant wishes to thank the Examiner for the courtesies extended during the telephone interview of January 23, 2009. During the interview, the Examiner clarified the rejection of claim 1 under 35 U.S.C. §112, first paragraph, as well as the rejection of claim 1 under 35 U.S.C. §102.

Claim Objections

Claims 1, 5-14, and 17 were objected to due to informalities. The claims have been amended to correct these informalities and, thus, it is believed that the objection has been overcome.

Claim Rejections under 35 U.S.C. §112

Claims 1 and 5-14 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, claim 1 was rejected because the Examiner asserts that the recitation of "...draw the inner extraction member backwards in the direction of extraction only when the inner extraction member is..." (emphasis added) lacks support in the specification and, thus, constitutes new matter. Amended claim 1 removes the recitation of "only" and, thus, it is believed that the rejection has been overcome.

Claims 5-14 depend from claim 1 and, thus, are likewise believed to be compliant with 35 U.S.C. §112, first paragraph. Accordingly, it is respectfully

submitted that the rejection of claims 1 and 5-14 under 35 U.S.C. §112, first paragraph, has been overcome.

Claim 6 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to provide antecedent basis for threads on the inner and outer extraction members. Claim 6 has been amended to provide antecedent basis and, thus, it is believed that the rejection has been overcome.

Claim Rejections under 35 U.S.C. §102

Claims 1, 5-10, 12-14, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,631,584 to Purificato (hereafter "Purificato"). It is respectfully submitted that amended claim 1 is patentable over Purificato and is therefore allowable.

Amended claim 1 recites an extraction device including an inner extraction member, an outer extraction member, and an extraction handle that rotates relative to the outer and inner extraction members in order to extract a pin. The outer and inner extraction members are provided with rotary preventing members that engage one another in order to prevent the inner extraction member from rotating relative to the outer extraction member. The extraction handle can cooperate with the inner extraction member in order to draw the inner extraction member backwards in a direction of extraction when the inner extraction member is inserted into the outer extraction member so that the rotary preventing members engage each other.

Purificato does not teach or suggest this structure. Purificato teaches a fracture securing instrument having a bolt 18 and a rod 22 connected together for inserting and removing a nail 1 having a pin 10 disposed therein. The bolt 18 and

the rod 22 are moveably disposed within a sleeve 13, a pin guide 16, and a cap 14 (Fig. 5). The cap 14 is threaded to both the sleeve 13 and the bolt 18. A T-nut 19 is threaded to the bolt 18 and rotated in order to drive the bolt and, thus, the nail 1 into bone. When removal of the nail 1 from the bone is desired, the cap 14 is replaced with a cap 14', which is threaded only with the sleeve 13. The T-nut 19 is then pulled in a direction away from the sleeve 13 to draw the bolt 18 through the sleeve and, thus, remove the nail 1 from the bone (Col. 4, lines 12-40 and Figs. 5-7).

The Examiner asserts that the threads on the bolt 18 and the cap 14 constitute rotary preventing members. These structures, however, do not engage one another when the nail 1 is extracted from the bone. Rather, the cap 14 is replaced with the cap 14' specifically to remove any engagement between the cap and the bolt 18 to allow the bolt to be pulled with the nail 1 relative to the sleeve 13 in order to extract the nail from the bone. Accordingly, Purificato does not teach or suggest that an extraction handle can cooperate with an inner extraction member in order to draw the inner extraction member backwards when the inner extraction member is inserted into the outer extraction member so that the rotary preventing members engage one another. For these reasons, it is respectfully submitted that amended claim 1 is patentable over Purificato and is therefore allowable.

Claims 6-10 and 12-14 depend from claim 1 and are allowable for at least the same reasons as claim 1 and for the specific limitations recited therein.

Amended claim 5 recites that a tip of the pin is situated in an opening of the sleeve and cooperates with a rear edge of the opening such that the pin, through cooperation with the rear edge of the opening, draws the sleeve backwards in the

direction of extraction when the sleeve is pulled out of the bone fragment by the extraction handle.

Purificato does not teach or suggest this structure. In Purificato, the entire pin 10 is removed from the nail 1 before the nail is removed from the bone (Col. 4, lines 28-31 and Fig. 7). The pin 10, therefore, does not act to pull any portion of the nail 1 or any other element of the fracture securing instrument out of the bone. For these reasons, Purificato does not teach or suggest a tip of a pin that cooperates with an edge of a sleeve to draw the sleeve backwards when the sleeve is pulled out of a bone by an extraction handle. Accordingly, it is respectfully submitted that amended claim 5 is patentable over Purificato and is therefore allowable.

Amended claim 17 recites an extraction device having an inner extraction member connectable to a pin, an outer extraction member, and an extraction handle that rotates relative to the outer and inner extraction members in order to extract the pin in an extraction direction relative to the outer extraction member. The outer and inner extraction members are provided with rotary preventing members that engage one another to prevent the inner extraction member from rotating relative to the outer extraction member.

As noted, Purificato does not teach or suggest rotary preventing members that engage one another to prevent inner and outer extraction members from rotating relative to one another. Accordingly, it is respectfully submitted that amended claim 17 is patentable over Purificato and is therefore allowable.

Claim Rejections under 35 U.S.C. §103

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Purificato in view of U.S. Patent Appln. No. 2001/0056283 to Carter et al. Claim 11 depends from claim 1 and is allowable for at least the same reasons as claim 1 and for the specific limitations recited therein.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and allowance of the application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this matter to our Deposit Account No. 20-0090

Respectfully submitted,

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